



United States Environmental Protection Agency
Region II

Form Replaced May 1999

Case No.

02-1999-0023

Date Entered

11-16-99 Jd

CERCLA Enforcement Case Data

CASE NAME (Last or principal defendant, not site or facility name)

ALCO SCRAP CO., et al

232543



STATE

NY

ORC BRANCH

NTSY P

TYPE CASE

☒ CIV = Civil

☐ ACC = Access Order

☐ PRN

☐ COL = Collection Action

☐ BNK = Bankruptcy

☐ CIC = Civil Judgment/Decree Enforcement

LAWS/SECTIONS: DO NOT use USC or CFR designations.

1. CERCLA / ☐ 103(a)

☐ 104(e)(2): Information

☐ 106(a)

☐ 107(a)

☐ 108

☐ 122(e)(3)(B)

☐ 103(d)(2)

☐ 104(e)(3): Access

☐ 106(b)

☐ 107(e)(3)

☐ 109

☐ 122(h)(3)

☐ 104(e)(4): Inspection/Sampling

☐ 122(i)

2. CERCLA 122 G

3. /

4. /

REGIONAL TECHNICAL CONTACT: (Last Name) Gowers,

(1st init.) J

Phone:

REGIONAL ATTORNEY: (Last Name) McMillen,

(1st init.) J

Phone:

PRPs (All must be listed. Attach list, if necessary.)

1.

2. See Attached

3.

4.

5.

6.

7.

8.

Multi-Media Action?

☐ Yes

☒ No

If Yes: ☐ M-M inspection ☐ M-M complaint ☐ M-M settlement ☐ SEP in other media

National, Regional, or other Special Initiative? Describe:

Environmental Justice?

☐ Yes

☒ No

If Yes: ☐ \geq 25% Minority Population ☐ \geq 25% Low Income ☐ Both ☐ Other

Is the site on the NATIONAL PRIORITY LIST (NPL)?

☒ Yes

☐ No

Is this action to ENFORCE an ADMINISTRATIVE ORDER?

☐ Yes

☒ No

RELIEF SOUGHT IN REFERRAL (Check as many boxes as apply.)

☐ IRMV (Injunctive Removal)

☐ CRMV (Cost Recovery Removal)

☐ AUD1 (100% gravity mitigation thru audit)

☐ IRFS (Injunctive RI/FS)

☐ CRFS (Cost Recovery RI/FS)

☐ AUD2 (100% gravity mitigation thru Compliance Management System)

☐ IRD (Injunctive Remedial Design)

☐ CRD (Cost Recovery Remedial Design)

☐ AUD3 (75% gravity mitigation)

☐ IRA (Injunctive Remedial Action)

☐ CRA (Cost Recovery Remedial Action)

☐ AUD4 (0% gravity mitigation)

☐ PEN (Penalty)

☒ COTH (Other Cost Recovery,

e.g., bankruptcy for future costs)

☐ COL (Collection)

DATE PRN SENT

DATE OF REFERRAL TO DOJ

091301 99

DATE OF REFERRAL TO HQ

DATE OF REFERRAL TO US ATTORNEY

SITE OR FACILITY DATA (Please use the address of the site of violation. DO NOT use the mailing address, defendant's address, or a P.O. Box number.)

Facility Name: NL Industries Inc

Street Address: _____

City: _____ State: _____ Zip Code: _____

Program or FINDS ID NO.: NTD 061843249

Facility 4-Digit SIC code(s): _____

**** If there is more than 1 site of violation, please complete the FACILITY DATA FORM for each of the additional addresses and attach to this form.**

CASE SUMMARY (Attach additional pages if necessary.)

The NL de minimis consent decree referred to DOJ on September 30, 1999 follows the consent decree signed by the major PRPs and is therefore part of a global settlement at the NL Industries., Site. Under this de minimis consent decree, fifty-nine (59) parties have agreed to pay their allocated settlement amounts calculated according to their respective volumetric contributions to the NL Site in return for full releases at the NL Site. The total amount to be paid by Settling de minimis PRPs of \$ 777,898.07 will be paid into the NL Industries, Inc. Superfund Site De Minimis Special Account within the EPA Hazardous Substance Superfund to be retained and used to conduct or finance the response action currently being undertaken by the major PRPs at the NL Site. Each de minimis settling PRP will receive a covenant not to sue and contribution protection from EPA under Sections 106 and 107 of CERCLA, 42 U.S.C. Section 9607 or 9607, with no reopener for either.

Parties whose volumetric contributions were within the de minimis eligibility levels of between .002% and 2.0% of the total volume of waste sent to the Site were offered this de minimis settlement opportunity. The allocated amount for each de minimis party is the sum of a basic and a premium payment of 30% of a de minimis party's share of estimated future Site costs. An additional premium of 30% was added to the settlement amount of one de minimis party who failed to comply with the 1992 UAO. Several parties who demonstrated their participation towards response activities prior to the entry of this de minimis consent decree were credited for amounts previously paid.

After lodging, and a thirty (30) day public comment period, this de minimis consent decree will become effective when entered by the Court.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 30 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

02-1999-0223

~~02-1994-0215~~

Re: Request for Approval of CERCLA De Minimis Consent Decree for NL Industries Inc.,
Superfund Site, Pedricktown, Salem County, New Jersey

Dear Ms. Schiffer:

The purpose of this letter is to request the Department of Justice's approval, signature, and lodging of the enclosed judicial de minimis Consent Decree ("Consent Decree") between the United States Environmental Protection Agency ("EPA") and the 59 de minimis private parties ("Settling Defendants") listed in the enclosed Settlement Analysis for the NL Industries, Inc. Superfund Site ("Site").

Under the Consent Decree, the Settling Defendants agree to pay the United States \$777,898.07 for full releases at the Site. As required by Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9622(g), this de minimis settlement involves only a minor portion of the estimated \$32 Million in total response costs for the Site.

Department of Justice attorneys participated in and were consulted throughout the settlement negotiations between the United States and the Settling Defendants concerning this Consent Decree.

The enclosed Settlement Analysis contains a full explanation of the provisions of the de minimis Consent Decree and why the Region recommends this settlement. If you have any questions regarding this matter, please contact Janet MacGillivray of our Office of Regional Counsel at 212-637-3146.

Sincerely yours,


Jeanne M. Fox
Regional Administrator

Enclosures

cc: Barry N. Breen, Director
Office of Site Remediation Enforcement
U.S. Environmental Protection Agency

APPENDIX A
NL INDUSTRIES
DEMINIMIS SETTLEMENT

Amendment - 02-1994-0215
(51) Duplicates
ref to amendment
changed to a new
ref. 02-1999-0023

ALCO SCRAP CO.	\$3,118.76	
ALLIED WASTE	\$1,414.68	
ANSAM METALS CORP.	\$5,033.28	- duplicate -
ASSOCIATED LEAD	\$4,295.03	
ATKINS WASTE MATERIALS	\$20,231.92	
BELMONT METALS	\$0.00	- duplicate -
BRANDYWINE RECYCLERS	\$1,369.59	
BROOKFIELD AUTO WRECKER	\$2,461.90	
CAMBRIDGE IRON & METAL	\$9,412.82	
CAMPBELL SOUP COMPANY	\$2,725.72	
CAPITOL BAG & WASTE	\$2,962.96	
CITY METAL	\$0.00	- duplicate -
C & R WASTE MATERIALS	\$1,280.75	
COINER'S SCRAP	\$4,203.67	
CURCIO SCRAP METAL	\$23,146.42	
DANIELS & MILLER	\$33,510.22	
DAVIS BROTHERS SCRAP	\$59,484.66	
DAVIS INDUSTRIES	\$5,540.95	
DELAWARE VALLEY SCRAP	\$2,941.09	
DOUGLAS BATTERY	\$0.00	- duplicate -
EAST PENN MANUFACTURING	\$2,791.00	
ELIZABETHTON HERB & METAL	\$0.00	- duplicate -
FRY METALS	\$10,485.88	
GENERAL MOTORS	\$202,694.00	- duplicate -
GENERAL STEEL & SUPPLY	\$5,433.94	
GREGORY'S AUTO SUPPLY	\$922.03	
HALPERN & STEIN	\$2,922.03	
HAMMOND LEAD PRODUCT	\$0.00	- duplicate -
I. BROOMFIELD & SONS	\$8,813.84	
JACOBSON METAL	\$17,458.08	
JAMES METALS	\$1,417.38	
JOE ALLEN SCRAP	\$2,710.91	
JOHN HOPKINS UNIVERSITY	\$8,885.18	
JONES MOTOR	\$15,830.72	
KIRK BATTERY	\$2,872.44	
KOEHLER MFG. CO.	\$5,252.90	
LANCASTER SALVAGE	\$32,988.63	
MARCELINE SALVAGE	\$11,158.63	
MARYLAND IRON & METAL	\$17,108.11	
MEARLE	\$2,805.14	
METAL BANK	\$0.00	- possible duplicate -
MAYER ALLOY CORP.	\$14,672.46	
MID CITY SCRAP	\$2,577.66	
NASSAU SMELTING (LUCENT)	\$0.00	
NASSAU RECYCLING (LUCENT)	\$0.00	
PENN HARRIS METALS	\$53,422.79	
PEANUT CITY IRON & METAL	\$36,709.74	
RALEIGH JUNK CO.	\$6,012.07	
RESOURCES ALLOYS & METALS	\$8,062.26	- duplicate -
S.D. RICHMAN & SONS	\$2,312.49	

SILVERS INC.	\$2,677.26
SOLA METAL CO.	\$14,847.77
SUPERIOR COMPANIES	\$6,082.73
SUSSMAN BROTHERS	\$3,909.56
TONOLLI CANADA	\$21,851.54
UNITED STEEL & METAL	\$1,558.71
V & V RECYCLING	\$10,324.09
WALKER METALLURGICAL CORP.	\$6,696.52
WILLOUGHBY IRON & WASTE	\$50,495.16

TOTAL	\$777,898.07
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